

ZB# 04-79

Fred Dobbertin

53-2-10

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 1-10-05

ZBA # **04-79** FRED DOBBERTIN (USE)
9 CARPENTER RD. (53-2-10)

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 53-2-10

In the Matter of the Application of

FREDERICK & TERESA DOBBERTIN

MEMORANDUM OF
DECISION GRANTING

INTERPRETATION
AND/OR USE
VARIANCE

CASE #04-79

WHEREAS, Frederick & Teresa Dobbertin, owner(s) of 9 Carpenter Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for an Interpretation and/or Use Variance to convert a single-family dwelling to a two-family dwelling (Bulk Tables 300-8) at 9 Carpenter Road in an R-1 Zone (53-2-10)

WHEREAS, a public hearing was held on January 10, 2005 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties.
 - (b) The property contains two kitchens; one of which is used for the applicant's mother-in-law (wife's mother) who resides on the premises.

- (c) The additional kitchen is serviced by the same electric meter, gas meter and any premises used by this individual is under the same utilities as supply the balance of the house.
- (d) The applicant has stated his intention to maintain this premises as a single-family residence. The residence appears to be a single-family residence and no changes in appearance have been made nor are any proposed by the applicant.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. This property is a single-family residence.
2. The applicant has living with him a member of his family which, under the Town of New Windsor Zoning Code falls within the definition of single-family
3. The fact that this premises contains two kitchens does not make it a two-family residence. Notwithstanding the existence of two kitchens, the house is a single-family residence and its status as such has not changed.

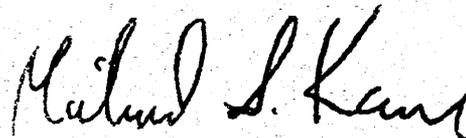
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for an Interpretation and/or Use Variance to convert a single-family dwelling to a two-family dwelling (Bulk Tables 300-8) at 9 Carpenter Road in an R-1 Zone (53-2-10) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: January 10, 2005



Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

OFFICE OF THE ZONING BOARD OF APPEALS

May 24, 2005

Teresa & Frederick Dobbertin
11 Carpenter Road
Rock Tavern, NY 12575

SUBJECT: REQUEST FOR VARIANCE #04-79

Dear Mr. & Mrs. Dobbertin:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: October 18, 2004

**APPLICANT: Frederick & Teresa Dobbertin
11 Carpenter Road
Rock Tavern, NY 12575**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: October 18, 2004

FOR : Frederick & Teresa Dobbertin

LOCATED AT: 9 Carpenter Rd

ZONE: R-1 Sec/Blk/ Lot: 53-2-10

COPY

DESCRIPTION OF EXISTING SITE: Single Family Dwelling

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 300-8 Use/Bulk Table R-1 Zone. A two-family dwelling is not a permitted use in the R-1 zone. A variance or interpretation is required to permit a second dwelling unit


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-1 USE: **Single Family** **Two Family**

Two Family

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

04-79

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be re-inspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and per test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

OCT 18 2004

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: 2002-1343

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Frederick and Teresa Dobbertin

Address #9 Carpenter Rd Rock Tavern, NY 12575 Phone # 845-496-6027

Mailing Address 11 Carpenter Rd Rock Tavern, NY 12575 Fax # 845-496-1795

Name of Architect DNA

Address _____ Phone _____

Name of Contractor Fred Dobbartin

Address 711 Carpenter Rd Rock Tavern, NY 12575 Phone 845-496-6027

State whether applicant is owner, lessee, agent, architect, engineer or builder owner

If applicant is a corporation, signature of duly authorized officer _____
(Name and title of corporate officer)

1. On what street is property located? On the EAST side of Carpenter Rd
(N, S, E or W)
and 30 feet from the intersection of Werner Court

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 53 Block 2 Lot 10

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy Residential b. Intended use and occupancy Residential

5. Nature of work (check if applicable) New Bldg. Addition Alteration Repair Removal Demolition Other

6. Is this a corner lot? NO

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: 1 Number of dwelling units on each floor 1

Number of bedrooms 4 Baths 2 Toilets 2 Heating Plant: Gas _____ Oil X
Electric/Hot Air _____ Hot Water X If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost Approx. \$20,000.00 Fees 450

CHK# 3602 **PAYED**

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

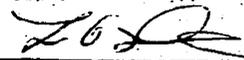
Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

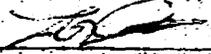
INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.


(Signature of Applicant)

11 Carpenter Rd. Rock Tavern, NY 12575
(Address of Applicant)

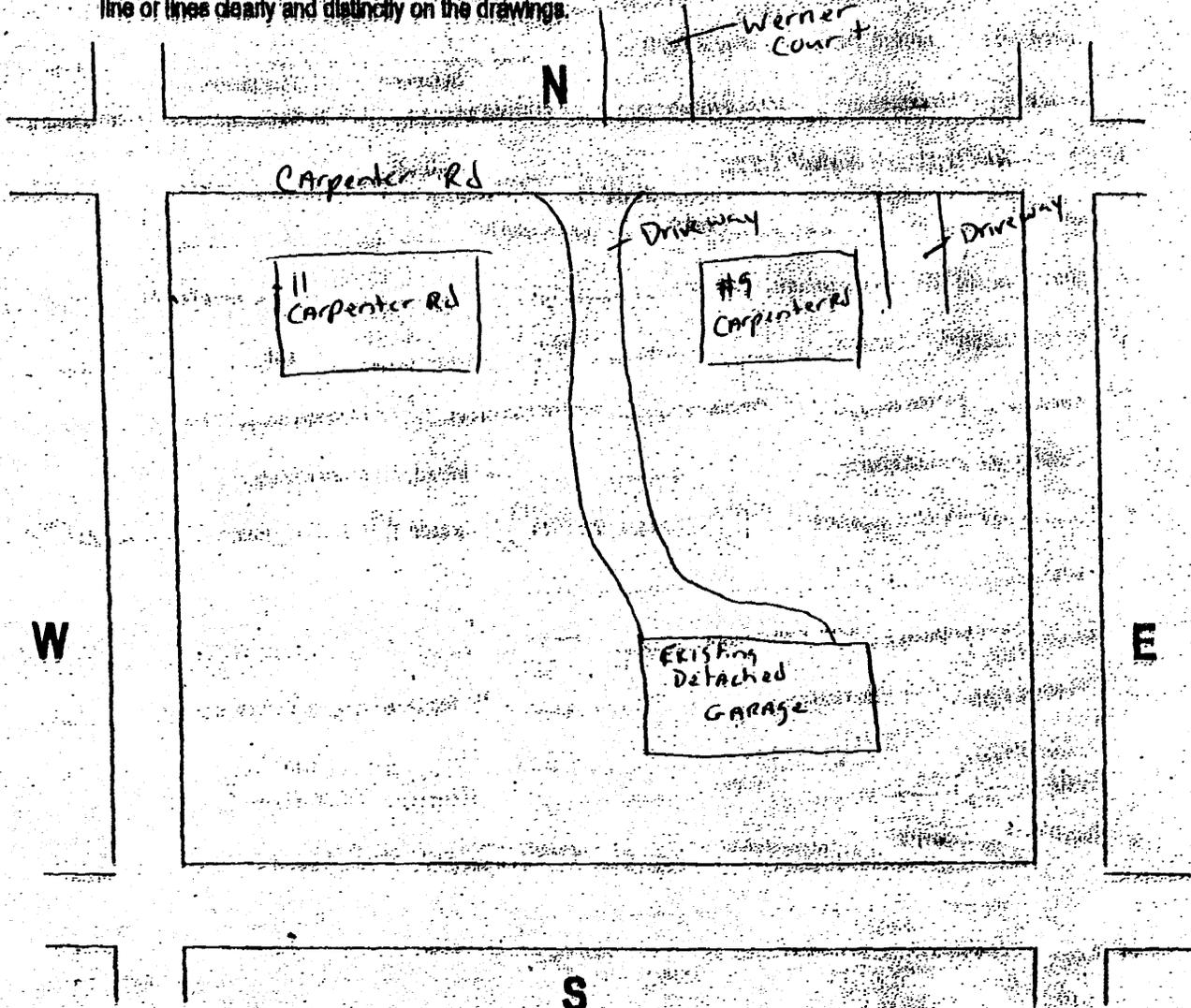
 SAME AS APPLICANT

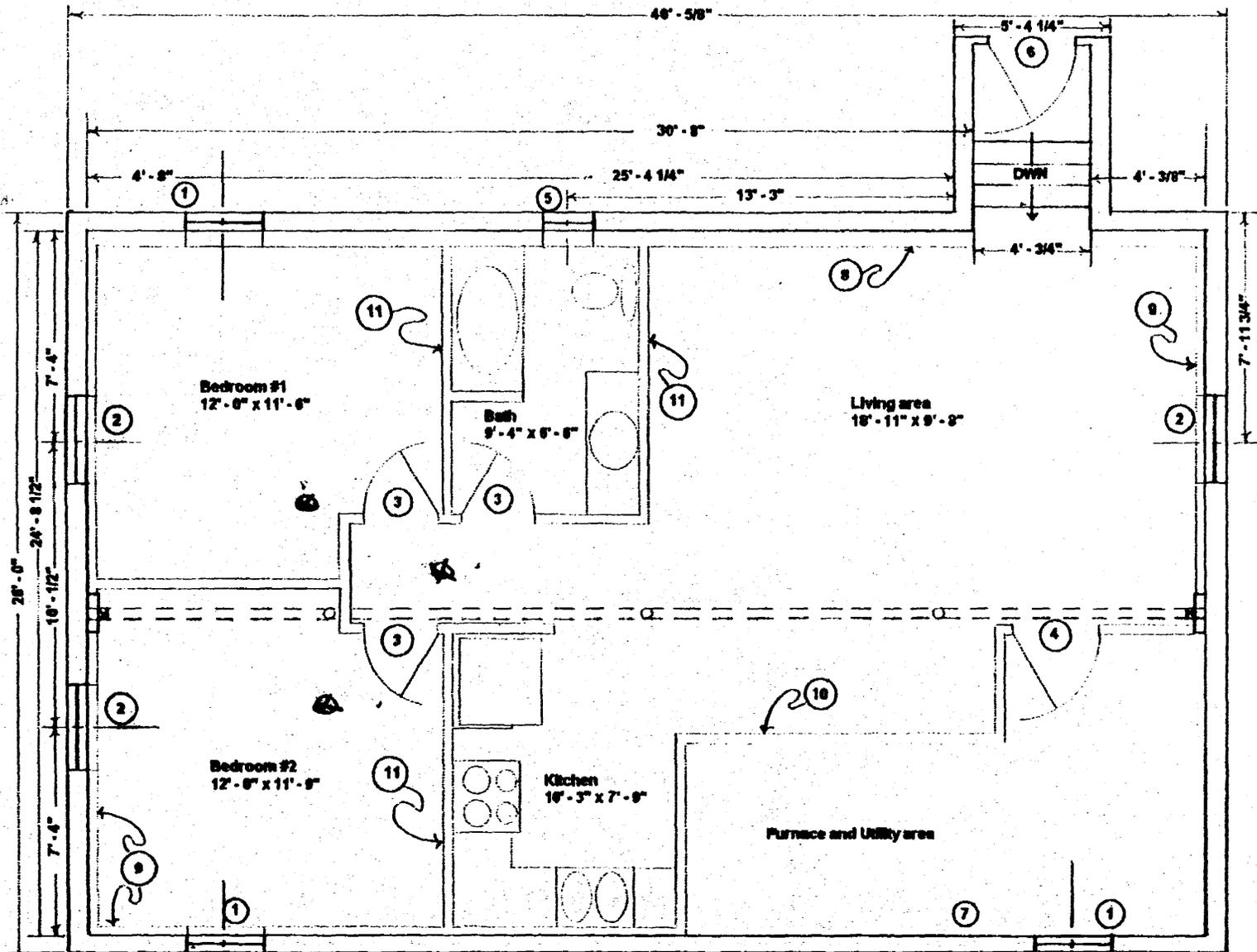
(Owner's signature)

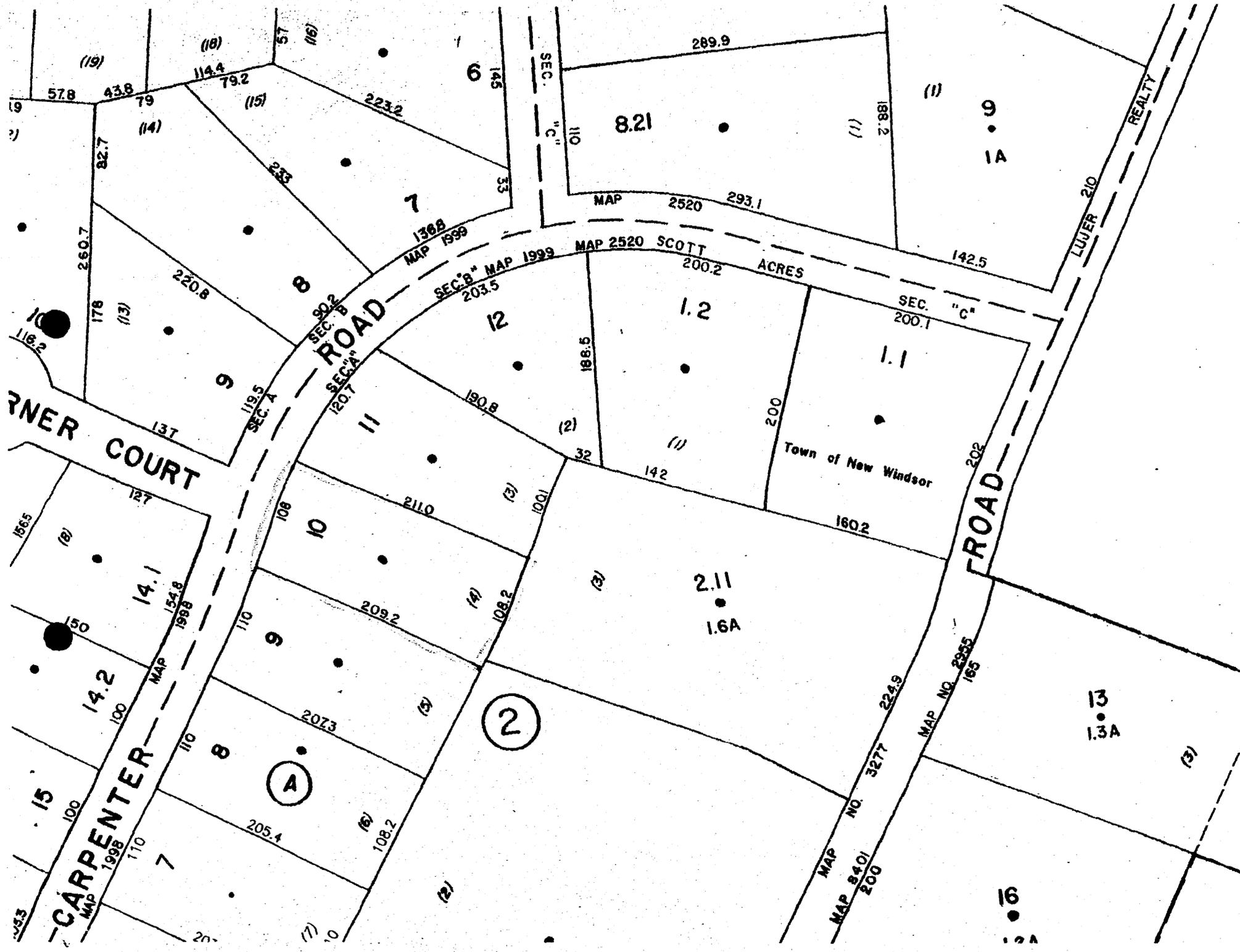
(Owner's Address)

PLOT PLAN

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.







CARPENTER ROAD
MAP 1999
MAP 2520
MAP 8401/200
MAP NO. 2835/165

SEC. "C"

SEC. "C"

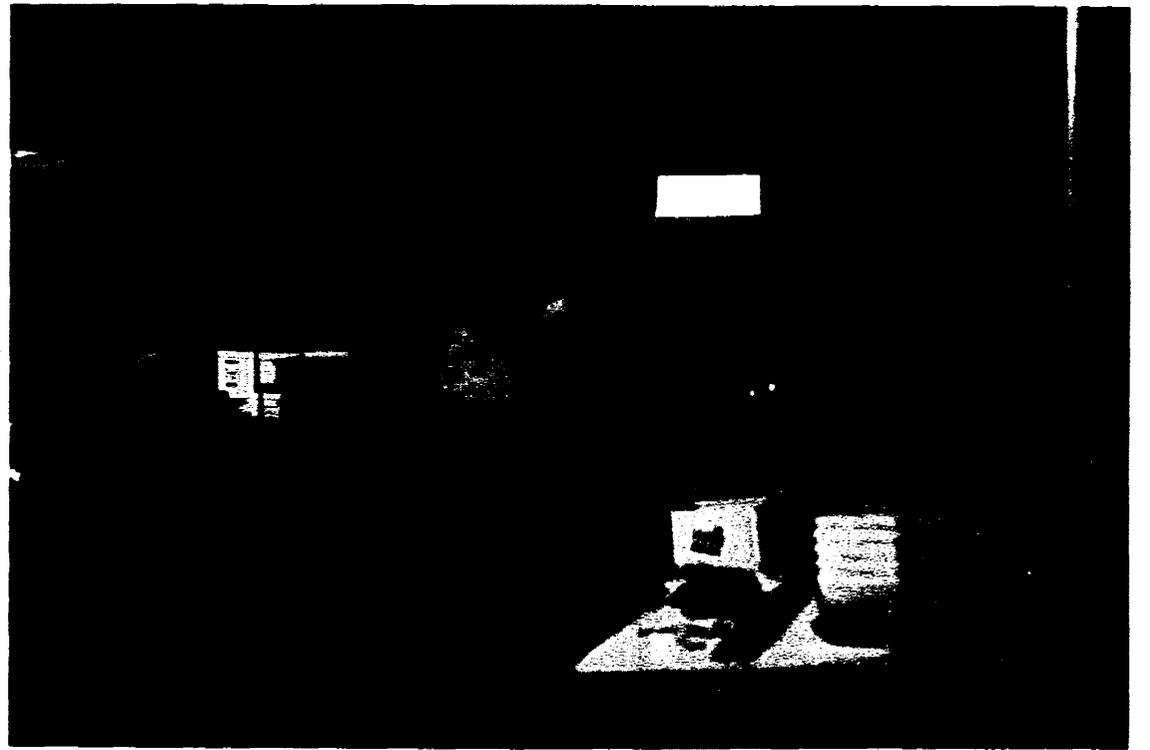
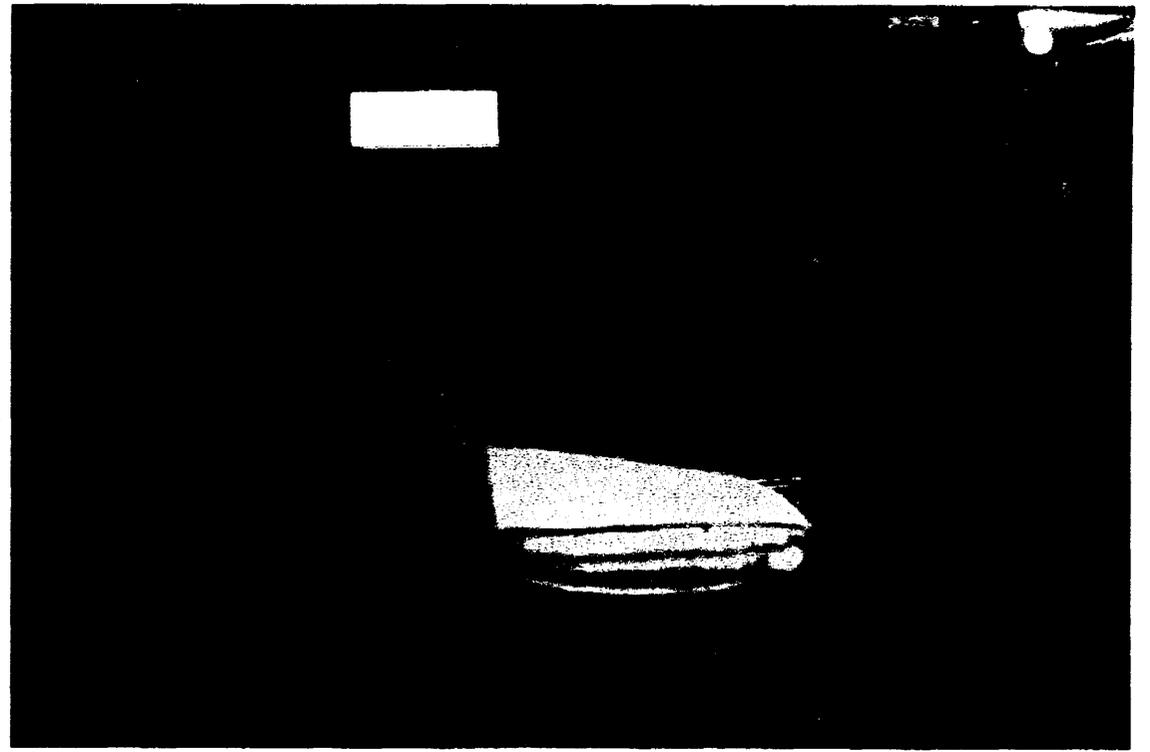
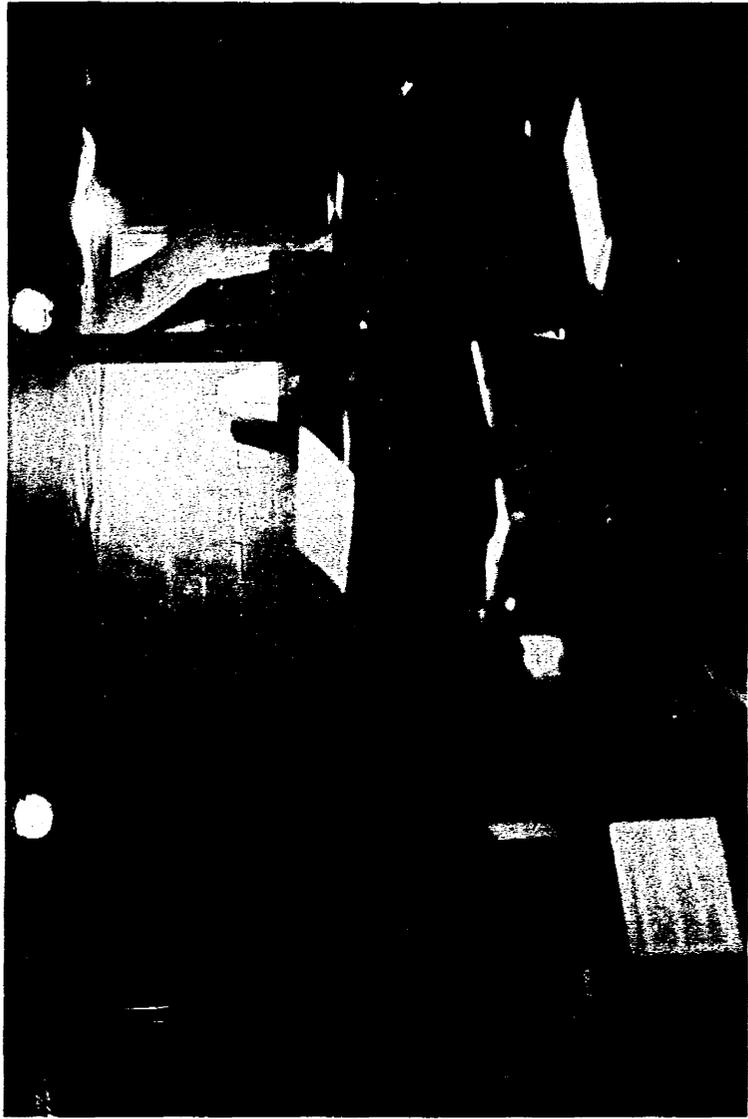
MAP 1999
MAP 2520
MAP 8401/200
MAP NO. 2835/165

Lujer 210
REALTY

Town of New Windsor

CARPENTER COURT

MAP 1999
MAP 2520
MAP 8401/200
MAP NO. 2835/165



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: 3-29-2005
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 191.50 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #04-79

NAME & ADDRESS:

**Teresa & Frederick Dobbertin
11 Carpenter Road
Rock Tavern, NY 12575**

THANK YOU,

MYRA

L.R.03-29-2005



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #04-79 TYPE:USE

APPLICANT Name & Address:
Teresa & Frederick Dobbertin
11Carpenter Road
Rock Tavern, NY 12575

TELEPHONE: 496-6027

RESIDENTIAL:	\$ 50.00	CHECK #3659
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK #3658



<u>DISBURSEMENTS:</u>		<u>MINUTES</u> <u>\$5.50 / PAGE</u>	<u>ATTORNEY</u> <u>FEE</u>	
PRELIMINARY:	<u>4</u>	PAGES	<u>\$ 22.00</u>	<u>\$ 35.00</u>
2 ND PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>3</u>	PAGES	<u>\$ 16.50</u>	<u>\$ 35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

TOTAL: \$ 38.50 \$ 70.00



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 108.50

AMOUNT DUE: \$ _____

REFUND DUE: \$ 191.50

Cc:

FREDERICK DOBBERTIN (04-79)

Mr. Frederick Dobbertin appeared before the board for this proposal.

MR. KANE: Request for an interpretation and/or use variance to convert single-family dwelling to a two-family dwelling at 9 Carpenter Road. Tell us what you want to do.

MR. DOBBERTIN: What I'd like to do is I'd like to take this one-family dwelling that's zoned in an R-1 zone and make it so that the current resident is an 84 year old woman, my wife's mother, we wanted to finish the basement to create a living space for her grandson, my wife's nephew so he can assist in her care, she's an elderly woman and to do that we need to make a separate kitchen for him so he can have a separate life from his grandmother.

MR. KANE: So you're requesting an interpretation to stay as a single-family home with two kitchens?

MR. DOBBERTIN: Yes.

MR. REIS: It's unlike what it says though, right?

MR. KANE: Right.

MR. KANE: For the record, Frederick, your intention is to use this as a single-family home with two kitchens and never to be used as a two-family home?

MR. DOBBERTIN: This is correct.

MR. KANE: There will be one electric meter, one gas meter coming into the house?

MR. DOBBERTIN: That's correct.

MR. KANE: At this point, I will open it up to the public and see if there's anybody here for this particular hearing? We'll close the public portion of the hearing, ask Myra how many mailings we had?

MS. MASON: On December 28th, I mailed out 36 envelopes and had no response.

MR. KANE: Any questions?

MS. GANN: Is this a door for him to exit in case there were to be a fire or anything like that? Is that a doorway?

MR. DOBBERTIN: That's a, that's a window, these two windows here will be changed to be big enough, this one isn't here right now, this one will be changed to be big enough for egress, this one would be big enough for egress and this one will and then the door here.

MS. GANN: Thank you.

MR. KANE: And obviously this is all taking place inside the home so there's no taking away of trees or substantial vegetation?

MR. DOBBERTIN: No, it's all within the confines.

MR. KANE: No water hazards or runoffs?

MR. DOBBERTIN: No.

MR. KANE: Any other questions? I'll accept a motion.

MS. GANN: I will offer a motion, Mr. Chairman, that we grant Frederick Dobbertin his request for interpretation and/or use variance to convert a single family with two kitchens at 9 Carpenter Road in an R-1 zone.

MR. RIVERA: Second it.

MR. REIS: Create, we're calling it an interpretation rather than a use, okay.

MR. KANE: That's correct.

MR. REIS: This will always be a single-family home?

MR. DOBBERTIN: Yes, that is correct.

MR. KANE: And we have a second?

MR. REIS: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE

FREDERICK DOBBERTIN (04-79)

Mr. and Mrs. Frederick Dobbertin appeared before the board for this proposal.

MR. KANE: Request for a use variance to convert a single-family dwelling to a two-family dwelling at 9 Carpenter Road. Okay, before we get into detail questioning you guys now what we're getting into with a use variance, very, very hard and the requirements are state mandated, the hardest ones to overcome is basically proving in dollar figures that you cannot sell your residence not at a profit or anything for a reasonable fee as a single family home before we can change the use, very difficult, which means you need to get real estate agents, assessors to say that it really unusual circumstances that will come up. It's kind of hard to prove, you're welcome to go through it but I think it's going to be very difficult.

MR. DOBBERTIN: What we're trying to do is I built a house for her mother to live, her mother is now 84 years old, her nephew, the woman's grandson we're trying to create a place for him to live so he can become part of her care.

MRS. DOBBERTIN: Assist in taking care of grandma because I'm her primary caretaker.

MR. KANE: Is there any way to do this with keeping this as a one-family home adding another kitchen and the access because you should, use variances are very difficult to pass and it has nothing to do with us, right?

MR. KRIEGER: That's true but he just answered the question, yes, so that changes it.

MR. DOBBERTIN: There's a separate entrance.

MR. KANE: Well, not just a separate entrance but the inside the house you have to have access, free access going like it's any other home so couldn't be separate from the inside. If you follow what I'm saying?

MR. DOBBERTIN: Yes, yes.

MR. KANE: If you can and it would still have to stay on the same one meter just as we did with the first person if you can do stuff like that and want to just add a second kitchen for convenience, a little privacy we can go that route with it too but I really think for your situation and where it is and with the house, you're just not going to be able to prove what you need to prove to get a use variance.

MR. DOBBERTIN: I was kind of wondering what I had to move, all I want to do is add a kitchen so he has a place to live to take care of her.

MR. KANE: If you want we can leave it on there and discuss it but let's change your request. I just don't think you're going to have the right information that the state requires, it's not a, it's really not a judgment call a hundred percent like most things are for us, there are separate rules that you have to follow and the monetary thing is one of them and that means basically you can't sell your house to be used as a single family house to anybody, they wouldn't buy it which would be impossible for you. So what I'd like to do is have you change your request to an interpretation of adding a second kitchen in the home as a continued use as a single family home and if you want better verbiage than that I'd have to check with the lawyer. Do you understand what we're doing here?

MR. DOBBERTIN: Yes.

MR. KANE: Because there's no way you would pass, we run into that like we have run into some old

manufacturing buildings in a zoned area that's more like a single family home and they can prove that nobody would buy this to use it, they'd have to tear it all the way down and rebuild a new one and that's how that's done.

MR. KRIEGER: See the difference basically is if it's a two-family house you have two separate living units, you could presumably rent the second unit at sometime in the future. You've had many persons who come in here and who have applied saying basically they wanted, it's a family member that they want similar to what I understand your situation to be, there's not a desire to have a rental unit there, it's a desire to incorporate a family member. So in order for this board to approve a second kitchen and so forth they have to have necessary safeguards to make sure that it is a single family house, it's always going to remain a single family house.

MR. KANE: Yeah and that's just one of the requirements, the other is that it's not a self-created hardship, bingo, you fail that right off the bat, you know, so there's, it's very, very difficult for use.

MR. KRIEGER: But if they go the second route.

MR. KANE: If they go the second route, you can put a kitchen and you can add the second bedroom as long as you have internal access that's not locked doors anything like that, somebody opened the door and just walk in and kind of free like a regular family would have then it's not a problem. What we do here is that the building department looks to cover themselves with second kitchens in a home by having you come in and state for the record basically under oath that you will not be using it as a rental unit, you'll be using it as a single-family home, that's why we look at the power, that kind of stuff.

MR. DOBBERTIN: So all the same utilities and so forth.

MR. KANE: I'm going to have Myra change this to an interpretation with your permission.

MR. DOBBERTIN: Yes.

MR. KANE: For an interpretation for a second kitchen.

MR. MINUTA: I'd like to make a motion that we forward Frederick Dobbertin for an alteration to his requested variance use to incorporate a second kitchen with the intent of family member taking care of another at 9 Carpenter Road in an R-1 zone.

MS. LOCEY: I'll second that.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. RIVERA	AYE
MR. MINUTA	AYE
MR. KANE	AYE

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

FREDERICK DOBBERTIN

AFFIDAVIT OF
SERVICE
BY MAIL

#04-79

----- X

STATE OF NEW YORK)

) SS:

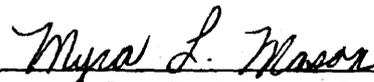
COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

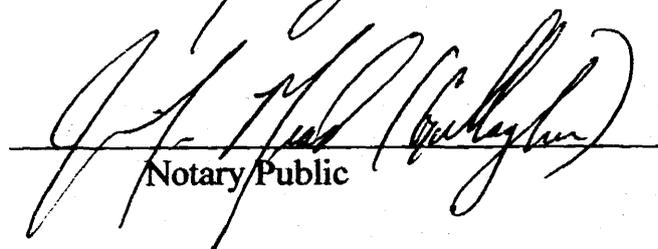
That on the 28TH day of DECEMBER, 2004, I compared the 36 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this



Myra L. Mason, Secretary

^{10th} day of January, 2005



Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified in Orange County
Commission Expires 10/30/2006

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 04-79

Request of FREDERICK & TERESA DOBBERTIN

for a VARIANCE of the Zoning Local Law to Permit:

Request for an Interpretation and/or Use Variance to convert a single-family dwelling to a two-family dwelling (Bulk Tables 300-8) at 9 Carpenter Road in an R-1 Zone (53-2-10)

PUBLIC HEARING will take place on JANUARY 10, 2005
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

December 14, 2004

Frederick & Teresa Dobbertin
11 Carpenter Road
Rock Tavern, NY 12575

Re: 53-2-10 ZBA#: 04-79 (36)

Dear Mr. & Mrs. Dobbertin:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$55.00, minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's Office.

Sincerely,

A handwritten signature in cursive that reads "J. Todd Wiley, IAO". The signature is written in black ink on a white background.

J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

cc: Myra Masoli, Zoning Board

52-1-37 *
Washingtonville Soccer Club, Inc.
Box 24
Washingtonville, NY 10992

52-1-66.1
Mark & Sharon Carey
322 Bull Road
Rock Tavern, NY 12575

52-1-66.2
Simone Salmon
326 Bull Road
Rock Tavern, NY 12575

53-1-8.1
William & Michele Ayres
4 Glenn Round Road
Rock Tavern, NY 12575

53-1-8.21
Heather & Lawrence Woodruff
47 Carpenter Road
Rock Tavern, NY 12575

53-1-9
Jose & Mercedes Nolli
377 Bull Road
Rock Tavern, NY 12575

53-2-1.2
Attilio & Rosalie Ceriale
3 Carpenter Road
Rock Tavern, NY 12575

53-2-2.11
Randolph Den
347 Bull Road
Rock Tavern, NY 12575

53-2-2.12 & 2.13
Randolph & Masako Den
347 Bull Road
Rock Tavern, NY 12575

53-2-5
Craig & Evelyn Levine
19 Carpenter Road
Rock Tavern, NY 12575

53-2-6
Michael Buck
17 Carpenter Road
Rock Tavern, NY 12575

53-2-7
Jennifer Stevens
Darren Schiaroli
15 Carpenter Road
Rock Tavern, NY 12575

53-2-8
Timothy & Janet Stevens
13 Carpenter Road
Rock Tavern, NY 12575

53-2-11
Ronald & Rosemarie Varagnolo
7 Carpenter Road
Rock Tavern, NY 12575

53-2-12
John Cable
5 Carpenter Road
Rock Tavern, NY 12575

53-2-13
Richard & Betty Lou Jones
320 Bull Road
Rock Tavern, NY 12575

53-2-15
Amy & Sandy Panensky
316 Bull Road
Rock Tavern, NY 12575

53-2-16
Jose & Claudia Lorenzo
318 Bull Road
Rock Tavern, NY 12575

53-4-1
Thomas Secrest
121 East Avenue D - Apt. 1
Melborn, Fl 32901

53-4-2
Dorothy Ziegler
11 Glenn Round Road
Rock Tavern, NY 12575

53-4-3
Henry & Viola Sulley
9 Glenn Round Road
Rock Tavern, NY 12575

53-4-4
Esther O'Rielly
7 Glenn Round Road
Rock Tavern, NY 12575

53-4-5
Faye & Michael Anson, Sr.
5 Glenn Round Road
Rock Tavern, NY 12575

53-4-6
Ruben & Renee Osorio
106 Waterstone Street
Greenwood Lake, NY 10925

53-4-7
John & Marion Bennett
6 Carpenter Road
Rock Tavern, NY 12575

53-4-8
Robert & Patricia Carbaugh
8 Carpenter Road
Rock Tavern, NY 12575

53-4-9
ABM Builders Corp.
3 Buchanan Court #302
Monroe, NY 10950

53-4-10
Francis & Matthew DiGregorio
4 Werner Court
Rock Tavern, NY 12575

53-4-11
James & Darlene Rogendorf
6 Werner Court
Rock Tavern, NY 12575

53-4-12
Triad Construction Group, LLC
P.O. Box 213
Chester, NY 10918

53-4-13
James Gillette
3 Werner Court
Rock Tavern, NY 12575

53-4-14.1
John Kincaid
2768 Route 94
Washingtonville, NY 10992

53-4-14.2
Arlene Fischer
14 Carpenter Road
Rock Tavern, NY 12575

53-4-15
Michael Krinsky
16 Carpenter Road
Rock Tavern, NY 12575

53-4-16
John Nemeth
292 Piermont Avenue
South Nyack, NY 10960

53-4-17
Marinus & Wilma Voorman
20 Carpenter Road
Rock Tavern, NY 12575



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

December 22, 2004

Teresa & Frederick Dobbertin
11 Carpenter Road
Rock Tavern, NY 12575

SUBJECT: REQUEST FOR VARIANCE #04-79

Dear Mr. & Mrs. Dobbertin:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The Sentinel will bill you directly for this add. This is not included in the escrow you posted upon application.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

9 Carpenter Road
Rock Tavern, NY

is scheduled for the JANUARY 10, 2005 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 11-30-2004

FOR: ESCROW 04-79

FROM: FREDERICK & TERESA DOBBERTIN

11 CARPENTER ROAD

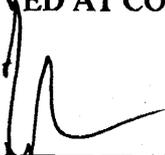
ROCK TAVERN, NY 12575

CHECK NUMBER: 3658

TELEPHONE: 496-6027

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

12/3/07

DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

ZBA # 04-79

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#1190-2004

12/03/2004

Dobbertin, Theresa
P.o. Box 345
Sugar Loaf, NY 10981

Received \$ 50.00 for Zoning Board Fees, on 12/03/2004. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

CHECKED BY MYRA: OK 11/30/04

TOWN OF NEW WINDSOR REQUEST FOR NOTIFICATION LIST

DATE: 11-30-2004 PROJECT NUMBER: ZBA# 04-79 P.B. # _____

APPLICANT NAME: FREDERICK DOBBERTIN

PERSON TO NOTIFY TO PICK UP LIST:

FREDERICK OR TERESA DOBBERTIN
11 CARPENTER ROAD
ROCK TAVERN, NY 12575

TELEPHONE: 496-6027

TAX MAP NUMBER: SEC. 53 BLOCK 2 LOT 10
SEC. _____ BLOCK _____ LOT _____
SEC. _____ B LOCK _____ LOT _____

PROPERTY LOCATION: 9 CARPENTER ROAD
ROCK TAVERN, NY

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT) _____



NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XX



AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 3660

TOTAL CHARGES: _____



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

November 30, 2004

Teresa & Frederick Dobbertin
11 Carpenter Road
Rock Tavern, NY 12575

SUBJECT: REQUEST FOR VARIANCE #04-79

Dear Mr. & Mrs. Dobbertin:

This letter is to inform you that you have been placed on the December 13, 2004 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

9 Carpenter Road
Rock Tavern, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

12/13



TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)	
APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00
MULTI-FAMILY: (Three Separate Checks Please)	
APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00
COMMERCIAL: (Three Separate Checks Please)	
APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00
INTERPRETATION: (Three Separate Checks Please)	
APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

* **ESCROW**
IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"

LIST OF PROPERTY OWNERS WITHIN 500 FT. RADIUS OF PROPERTY IN QUESTION:

APPROXIMATE COST FOR PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES IS \$1.00 EA. ADDITIONAL NAME

04-79

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

**** MUST READ AND SIGN ****

I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING....(this charge is not deducted from your escrow posted).


SIGNATURE

11-30-04
DATE

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.

PAGE 2

COMPLETE THIS PAGE

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE - continued

VI. USE VARIANCE:

Use Variance requested from New Windsor Zoning Local Law,

Section 300-8, Table of R-1 Zone Regs., Col. _____.

Describe proposal:

ALTER 1 Family Dwelling by Finishing The Basement
as Living Space To Create A "mother/DAUGHTER" Type
Living Situation For The grand son of The Primary Resident
To Live in close proximity To Care for his 84 year old grandmother.
This Alteration will utilize The same utilities (water, electric,
heat, Sewer) as The Primary Residents.

VII. The legal standard for a "Use Variance" is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the Use Variance is granted. Also state any efforts you have made to alleviate the hardship other than this application.

House is Zoned as R-1 and Living Space is needed
for grand son who is going to help with The care of
AN ELDER Family member (his 84 year old grand mother)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

The variance will not produce an undesirable
change in the character of the neighborhood or a detriment to any nearby
properties. The benefit sought can not be achieved by any other feasible
method. The variance is not substantial. Variance would not have
an adverse effect or impact on the physical or environmental conditions of
the neighborhood or district. The "mother/daughter" living situation
is needed to provide for the care of an elder family member (84 years old)

**PLEASE NOTE:
THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF
SUBMITTAL.**

COMPLETE THIS PAGE

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- Copies of signs with dimensions and location.
- Three checks: (each payable to the TOWN OF NEW WINDSOR)
- One in the amount of \$ 300.00 or 500.00 (escrow)
- One in the amount of \$ 50.00 or 150.00 (application fee)
- One in the amount of \$ 25.00 (Public Hearing List Deposit)

- Photographs of existing premises from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

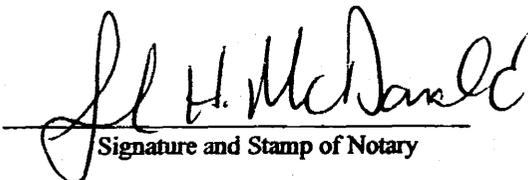
) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

30 day of November 2004.



 Signature and Stamp of Notary



 Owner's Signature (Notarized)

Frederick Dobbertin

 Owner's Name (Please Print)

 Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

JOHN H. Mc DONALD
 Notary Public, State of New York
 No. 01MC6045833
 Qualified in Orange County
 Commission Expires July 31, 2006

COMPLETE THIS PAGE

PROJECT I.D. NUMBER

617.21

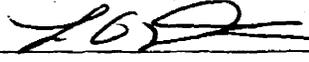
Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR Fred & Teresa Dobbertin	2. PROJECT NAME
3. PROJECT LOCATION: Municipality Town of New Windsor County Orange County	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) #9 Carpenter Rd Rock Tavern, NY 12575	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: ALTER A FAMILY RESIDENCE TO CREATE A "MOTHER DAUGHTER" LIVING SITUATION TO PROVIDE FOR THE CARE OF AN ELDER FAMILY MEMBER.	
7. AMOUNT OF LAND AFFECTED: Initially Approx 1/2 acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly HAVING A "MOTHER/DAUGHTER" TYPE RESIDENCE IS NOT PROVIDED FOR IN AN R-1 ZONE	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals NEED TO GET A TOWN OF NEW WINDSOR BUILDING PERMIT.	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: Frederick Dobbertin	Date: 11-30-04
Signature: 	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality; surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

 Name of Lead Agency

 Print or Type Name of Responsible Officer in Lead Agency

 Signature of Responsible Officer in Lead Agency

 Title of Responsible Officer

 Signature of Preparer (if different from responsible officer)

 Date